

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS**

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<b>IN RE: YASMIN AND YAZ (DROSPIRENONE) MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION</b>	) ) )	<b>3:09-md-02100-DRH-PMF MDL No. 2100  ORDER</b>
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**This Document Relates to:**

**Brown v. McKesson Corp., et al. No. 3:10-cv-20386-DRH-PMF**

**Cook v. Bayer HealthCare Pharms., Inc., et al. No. 3:10-cv-10277-DRH-PMF**

**Cox v. Bayer HealthCare Pharms., Inc., et al. No. 3:10-cv-10296-DRH-PMF**

**Cruz v. Bayer HealthCare Pharms., Inc., et al. No. 3:10-cv-10636-DRH-PMF**

**Morales v. Bayer HealthCare Pharms., Inc., et al. No. 3:10-cv-20113-DRH-PMF**

**ORDER**

**HERNDON, Chief Judge:**

This matter is before the Court on Defendant Bayer HealthCare Pharmaceuticals Inc.'s ("Bayer") motion to dismiss the above captioned actions without prejudice.

In each of the above captioned cases the Court granted a motion to withdraw filed by Plaintiff's counsel (Brown DOC. 18 (Sept. 21, 2010); Cook DOC. 14 (Sept. 29, 2010); Cox DOC. 13 (Sept. 21, 2010); Cruz DOC. 12 (Sept. 21, 2010); Morales DOC. 23 (Sept. 29, 2010)). On November 1, 2010, Bayer moved to show cause why these cases should not be dismissed for Plaintiffs' failure to file

a supplementary appearance in accord with Local Rule 83.1(g)(2). (Brown DOC. 19; Cook DOC. 15; Cox DOC. 14; Cruz DOC. 13; Morales DOC. 24). Plaintiffs did not respond to Bayer's motion to show cause. On November 17, 2010, the Court ordered Plaintiffs to file a supplementary appearance by November 23, 2010. (Brown DOC. 20; Cook DOC. 16; Cox DOC. 15; Cruz DOC. 14; Morales DOC. 25). The Order provided: "If Plaintiffs fail to file an entry of appearance by this deadline, Plaintiffs' cases will be dismissed without prejudice pursuant to Rule 41(b)." (*Id.* at 3).

To date, and in violation of the Order and Local Rule 83.1(g)(2), Plaintiffs have not filed a supplementary appearance. This is particularly problematic in light of the Plaintiff Fact Sheet concerns discussed in this Court's November 17, 2010 Order.

Pursuant to Federal Rule of Civil Procedure 41(b), a complaint may be involuntarily dismissed where a Plaintiff fails to prosecute or to comply with the rules or a court order. See Fed. R. Civ. P. 41(b). In the above captioned cases, Plaintiffs have failed to comply with this Court's Order and with local rule 83.1(g). Accordingly, for the reasons stated herein, the above captioned actions are hereby dismissed without prejudice. **SO ORDERED**

 David R.  
Herndon  
2010.12.10  
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**Chief Judge**  
**United States District Court**

**Date: December 10, 2010**